

IN THE

Court of Appeal of the State of California

IN AND FOR THE

Fifth Appellate District

**F056949      A.K. v. The Superior Court Of Fresno County;Fresno County Department  
Of Children And Family Services**

The petition for extraordinary writ is denied. This opinion is final  
forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F054346      People v. Brush**

The conviction for willful cruelty to animals is reversed. The  
remainder of the judgment is affirmed. Cornell, J.

We concur: Ardaiz, P.J. ; Vartabedian, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055791      People v. Hill**

The judgment is reversed and remanded to trial court with  
directions. Wiseman, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055189      People v. Menera**

We order that the sentence in count 4 be the middle term of five  
years with a consecutive term of 25 years to life for the section  
12022.53, subdivision (d) sentence enhancement; the entire term in  
count 4 shall run concurrent to count 1, and count 2 will continue to  
run concurrent to these other terms. We further direct that the abstract  
of judgment be so modified and that corrected copies be sent to the  
appropriate authorities. Vartabedian, J.

We concur: Ardaiz, P.J. ; Cornell, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056190      Shirinian v. Jones**

Appellant having filed an abandonment and/or request for  
dismissal of appeal, IT IS HEREBY ORDERED that the appeal in the  
above-entitled action is dismissed.

**F054694      People v. Ruvalcaba**

The judgment is affirmed. Wiseman, Acting P.J.

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We concur: Gomes, J.; Dawson, J.

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**F054169      People v. Ruvalcaba**

The judgment is affirmed. Etc. Wiseman, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056735      In re Marcos Rodriguez on Habeas Corpus**

Filed modification of opinion (no change in judgment). Wiseman, Acting P.J.

We concur: Cornell, J.; Kane, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F056079      People v. Almeida**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

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**F056079      People v. Almeida**

The judgment is reversed and the matter remanded with the following directions: (1) the superior court shall conduct an inquiry into the veracity of appellant's ineffective assistance claim raised in the withdrawal motion and shall conduct a Marsden inquiry to assess defense counsel's effectiveness and to determine whether there occurred a fundamental breakdown in the attorney-client relationship requiring substitution of counsel; (2) the superior court shall reconsider its ruling on the withdrawal motion. If, after this inquiry and reconsideration, the superior court denies the withdrawal motion and determines that substitution of counsel is not necessary, then the judgment of conviction shall be reinstated and the sentence shall be modified to award appellant 200 presentence custody credits and, as modified, the sentence shall be reinstated. If, after this inquiry and reconsideration, the superior court denies the withdrawal motion but concludes that substitution of counsel is necessary, then the judgment of conviction shall be reinstated and the superior court shall appoint substitute counsel and conduct a new sentencing hearing during which it shall award 200 presentence custody credits. In either event, the superior court shall prepare an amended abstract of judgment reflecting the additional presentence custody credit and correcting the date of conviction to June 4, 2008. The amended abstract of judgment shall be transmitted to the Department of Corrections.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055965      People v. Vang**

Filed modification of opinion (no change in judgment). Cornell, Acting P.J.

We concur: Gomes, J.; Dawson, J.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

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**F056960      S.L. v. The Superior Court of Tulare County, Tulare County Health and Human Services Agency**

The petition for extraordinary writ is denied. This opinion is final forthwith as to this court.

By the Court.

[NOT TO BE PUBLISHED IN OFFICIAL REPORTS]

**F055545      People v. Roggero**

Counsel having failed to request oral argument in the above-entitled case, oral argument is deemed waived in accordance with the provisions of a notice heretofore mailed to counsel and the cause is submitted.

**F055545      People v. Roggero**

The judgment is affirmed.

By the Court.

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